

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FERNANDO HERNANDEZ, KENNETH CHOW,  
BRYANT WHITE, DAVID WILLIAMS, MARQUIS  
ACKLIN, CECILIA JACKSON, TERESA JACKSON,  
MICHAEL LATTIMORE, and JUANY GUZMAN, each  
individually, and on behalf of all other persons similarly  
situated,

Case No.:  
12-CV-4339 (ALC)(JLC)

Plaintiffs,

-against-

THE FRESH DIET, INC., LATE NIGHT EXPRESS  
COURIER SERVICES, INC. (FL), FRESH DIET  
EXPRESS CORP. (NY), THE FRESH DIET - NY INC.  
(NY), FRESH DIET GRAB & GO, INC. (FL) a/k/a YS  
CATERING HOLDINGS, INC. (FL) d/b/a YS CATERING,  
INC. (FL), FRESH DIET EXPRESS CORP. (FL), SYED  
HUSSAIN, Individually, JUDAH SCHLOSS, Individually,  
and ZALMI DUCHMAN, Individually,

Defendants.

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**DECLARATION IN OPPOSITION TO PLAINTIFFS'**  
**MOTION FOR CLASS CERTIFICATION**

YALE POLLACK, declares under penalty of perjury, pursuant to 28 U.S.C. §  
1746:

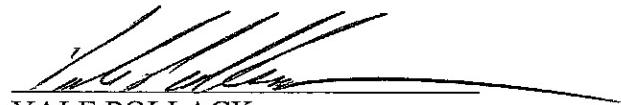
1. I am associated with the law firm of Kaufman Dolowich & Voluck, LLP,  
counsel for Defendants, in the above-referenced matter. I respectfully submit this  
Declaration in opposition to Plaintiffs' instant motion seeking class certification, pursuant  
to Rule 23 of the Federal Rules of Civil Procedure.

2. This Declaration, along with the accompanying Memorandum of Law, is submitted in opposition to Plaintiffs' instant motion seeking preliminary class certification pursuant to Rule 23 of the Federal Rules of Civil Procedure.

3. The Affidavit of Yuda Schlass is attached hereto as **Exhibit "A."**

4. The Affidavit of Syed Hussain is attached hereto as **Exhibit "B."**

WHEREFORE, Your Affirmant respectfully requests that Plaintiffs' motion for class certification be denied in its entirety, and that the Defendants be awarded such other and further relief as this Court deems just and proper.



YALE POLLACK

Dated: Woodbury, New York  
June 14, 2013

ND: 4830-8030-3124, v. 1